

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GUGLIELMO PERNIS,

Plaintiff,

-against-

RICHTER + RATNER CONTRACTING CORP.,

Defendant.

Civil Action No.:
07 CV 5787

Judge Berman

**NOTICE OF MOTION
TO DISMISS**

PLEASE TAKE NOTICE that upon the declaration of Laura B. Hoguet sworn to October 16, 2007 and the exhibits thereto and all prior pleadings in this action, defendant Richter + Ratner Contracting Corp. will move this Court, before the Honorable Judge Richard M. Berman, United States District Judge for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Room 14B, New York, New York, for an order dismissing plaintiff's Amended Complaint in its entirety, with prejudice.

PLEASE TAKE FURTHER NOTICE that, pursuant to an order dated September 28, 2007, any response by plaintiff shall be served and filed no later than October 30, 2007 and any reply by defendants shall be served and filed no later than November 6, 2007.

Dated: New York, New York
October 16, 2007

HOGUET NEWMAN REGAL & KENNEY, LLP

By: Laura B. Hoguet
Laura B. Hoguet (LH-7485)

10 East 40th Street
New York, New York 10016
Tel: (212) 689-8808

Attorneys for Defendant

To: Zeynel Karcioğlu
36 east 20th Street, 6th Floor
New York, New York 10003
(212) 505-6933

Counsel for Plaintiff